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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JL BEVERAGE COMPANY, LLC,
a Nevada limited liability company,

Plaintiff and Counter-Defendant,

v.

BEAM INC., a Delaware corporation, and JIM
BEAM BRANDS CO., a Delaware corporation;
and DOES 1 through 10

Defendant and Counter-Plaintiff

Case No. 2:11-cv-00417-MMD-CWH

**CONSENT MOTION FOR
EXTENSION OF TIME
(First Request)**

1 Pursuant to Fed. R. Civ. Pro. 6(b), Defendants, Beam Inc. and Jim Beam Brands Co.,
2 move the Court for an extension of time to file their reply brief to Plaintiff's Opposition to
3 Defendants' Motion in Limine No. 1 (filed on 2/7/2018) until February 24, 2018. Defendants'
4 counsel has conferred with Plaintiff's counsel and Plaintiffs have consented to the relief sought in
5 this motion. This is Defendants' first request for an extension of time.

6 1. On January 5, 2018, Defendants filed their Motion in Limine No. 1 (D.I. 208). Pursuant
7 to the joint schedule agreed to by the parties and approved by the Court, Plaintiff's opposition to
8 this motion was due on January 19, 2018 (D.I. 199).

9 2. Plaintiff failed to timely file a response to Defendants' Motion in Limine No. 1 and on
10 February 7, 2018 filed for a motion for extension of time (D.I. 221) which was granted (D.I. 222)
11 accepting Plaintiff's opposition as of February 7, 2018.

12 3. Pursuant to LR 7-2(b), Defendants' reply to their Motion in Limine No. 1 would be due
13 on February 14, 2018.

14 4. Due to preexisting conflicting obligations in other cases, Defendants will be unable to
15 timely reply to Plaintiff's opposition. Defendants were supposed to file any replies to their
16 motions in limine as of January 26, 2018 (D.I. 199). However, Plaintiff's belated filing of its
17 opposition has caused the briefing schedule to overlap with deadlines from other cases.
18 Specifically, Defendants' counsel had depositions out of state in another case the week of
19 February 5 (*Heritage Capital Corp. et al. v. Christie's, Inc. et.al.*, JAMS No. 1310023168
20 (2017)). In addition, Defendants have a reply brief to a summary judgment motion due in the
21 Trademark Trial and Appeal Board in another case on February 18, 2018 (*Patron Spirits Int'l AG*
22 *v. CB Spirits SARL*, No. 91224686 (TTAB)) that will consume the entire week of February 12 to
23 prepare. Pursuant to 37 C.F.R. § 2.127(e)(1), that deadline is non-extendable.

24 5. As such, Defendants request a short extension of 10 days until February 24, 2018 to file
25 their reply in support of Motion in Limine No. 1.

26 6. The short extension will not prejudice any party. The Court has rescheduled trial to
27 commence on April 23, 2018, and the final pretrial conference has been reset to April 16, 2018.

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1 See D.I. 219. As such, this short extension will not impact the Court's existing pretrial and trial
2 deadlines. Further, Plaintiff has consented to this short extension.

3
4 In view of the above, Defendants respectfully submit that they have shown good cause for
5 the grant of an extension. Affording Defendants additional time to respond to Plaintiff's
6 opposition to Defendants' Motion in Limine No. 1 will not prejudice any of the parties and would
7 be in the interests of justice. Defendants thus request that the extension be granted.
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1 Dated this 12th day of February, 2018.

Respectfully submitted,

2 By: /s/ Edward T. Colbert

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5 Erik C. Kane (Admitted *Pro Hac Vice*)

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*Counsel for Defendants and Counter-Plaintiffs,
Beam Inc. and Jim Beam Brands Co.*

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

DATED: February 12, 2018

1 **CERTIFICATE OF SERVICE**

2 I hereby by certify that I am an employee of Andrews Kurth Kenyon LLP and that on
3 February 12, 2018, I served the foregoing **CONSENT MOTION FOR EXTENSION OF**
4 **TIME** via the Court's CM/ECF filing system, which will serve a copy on all counsel of record
5 and parties of record.
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7 /s/ Edward T. Colbert
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